IN THE CIRCUIT COURT FOR LEE COUNTY, VIRGINIA:

BLACK MOUNTAIN COAL AND COKE COMPANY,
a Virginia corporation, Complainant

vs.

DARBY COAL AND COKE COMPANY,
an Ohio corporation, Defendant.

To the Honorable H. A. W. Skeen, Judge of the Circuit Court for the said County of Lee:

Your complainant, the Black Mountain Coal and Coke Company, a corporation duly organized and existing under the laws of the State of Virginia, respectfully represents unto the Court as follows:

The Darby Coal and Coke Company, an Ohio corporation, is indebted to the complainant in the sum of Sixty-five thousand ~~and eighty-four~~ Dollars ($65,000.00), with interest thereon from the 1st day of August, 1907, until paid, such indebtedness being evidenced by the thirteen (13) notes executed by the said defendant to the said complainant, bearing date on the 8th day of February, 1904, and being twelve notes for the sum of Five Thousand Dollars ($5,000.00) each and one note for the sum of Five Thousand ~~and Eighty-four~~ Dollars ($5,000.00), all bearing interest at the rate of five per centum (5%) per annum, payable semi-annually, from the 21st day of July, 1903, until paid, such interest being payable on the first days of February and August, the interest having been paid upon all of said notes up to the 1st day of August, 1907. Said notes, all of which are notes due and unpaid and secured by vendor's lien on represent the deferred purchase money for a certain parcel of lands and interests in lands, lying in the Pocket Country,

in Lee County, Virginia, which were conveyed to the said defendant by the said complainant by deed bearing date on the 8th day of February, 1904, and recorded in the office of the Clerk of Lee County, Virginia, in Deed Book 41, pages 491 et seq., copy of which deed is attached hereto and prayed to be read as a part hereof.

Your complainant further represents and alleges that its claim against the defendant is just, and is now due and payable and that it is entitled to and ought to recover at least the sum of $65,000.00, with interest thereon as aforesaid; that the defendant is a non-resident corporation.

Your Complainant further represents that the said defendant is the owner of the following real estate in Lee County, Virginia, in addition to the real estate above mentioned, to-wit: A certain tract of land containing 98-1/2 acres, more or less, lying on Gin Creek, in the said Pocket Country, and being the same tract which was conveyed to the defendant by James W. Orr, Commissioner, et al., by deed bearing date on the 26th day of April, 1904, and of record in theoffice of the Clerk of Lee County, Virginia, in Deed Book 41, page 497, a copy of which deed is filed herewith, marked Exhibit B, and prayed to be read as a part hereof; another certain tract lying on Gin Creek and containing 32-1/4 acres, more or less, and being the same tract which was conveyed to the defendant by James E. Parsons and wife, by deed bearing date on the 13th day of February, 1904, and of record in the said Clerk's Office, in Deed Book 41, page 499, and a copy of said deed is filed herewith, marked Exhibit C, and prayed to be read as a part hereof. Your complainant further represents and alleges that in so far as it is informed and believes the said real estate is not

encumbered.

Your complainant further represents and alleges that the said defendant is the owner of other certain lands and interests in lands, lying in Lee County, Virginia, and being the same which were conveyed to it by your complainant by the deed hereinbefore referred to and made a part hereof. Your complainant here says that the vendor's lien retained in the last mentioned deed is to secure the notes hereinbefore set out, and that this proceeding is in no wise intended to operate as a waiver of its said vendor's lien or to affect the same in any wise, this proceeding being for the purpose of procuring for your complainant additional security for the debt due it as above set out.

Complainant is advised and so charges that it has the right to have an attachment issued and levied upon so much of the above described lands as is not covered by the aforesaid vendor's lien, and upon any other real or personal estate or both owned by the Defendant in this State.

Your Complainant further alleges and represents that the said defendant is the owner of various personal property in Lee County, and it is advised and charges that it has the right to have an attachment issued and levied upon all such personal property and effects the said defendant company may own in the said County of Lee, State aforesaid, and to have the said lands and property sold under the orders of this Court and the proceeds thereof held to satisfy any decree in complainant's favor obtained herein; complainant is further advised that it has the right to have a decree in its favor for the debt hereinbefore set out.

Premises considered, the prayer of this complainant is that the Darby Coal and Coke Company be made a party defendant hereto and be required to answer the allegations hereof, but not under oath, answer under oath being expressly waived;

that an attachment be issued and levied upon the property hereinbefore referred to and upon all the personal property which is owned by the defendant company in the said County of Lee; that, if necessary, an order of publication be had as to said defendant company; that a decree be given this complainant for the debts hereinbefore set out; that the lands attached herein be sold under the orders of this court, and the proceeds thereof be applied to the payment of any decree obtained herein in its favor; that the lands and interests in lands upon which your complainant has a vendor's lien, as above set out, be also sold under the orders of this court and the proceeds thereof be applied to the payment of the said indebtedness; that all proper inquiries be had and orders entered, and that such other, further and more general relief be given to this complainant as to equity may seem meet or the nature of this case may require, and it will ever pray, etc.

BLACK MOUNTAIN COAL AND COKE COMPANY

By N. D. Bachman Jr

Secretary, Treasurer and Agent.

By Counsel:

E. W. Pennington

Paul Dulaney

H. G. Peters.

State of Virginia, City of Bristol, to-wit:

This day personally appeared before me, N. D. Bachman, Jr., whose name is signed to the foregoing bill as Secretary, Treasurer and Agent of the Black Mountain Coal and Coke Company, the complainant corporation, and made oath that the allegations of the foregoing bill are true.

Given under my hand this the 20th day of April, 1908.

My commission expires: June 28, 1911.

Mary B. Summers

Notary Public.

Costs:

Clerk $10.92
Shff. 3.50
Atty. 15.00
$29.42

Black Mt. Coal & Coke Co

vs } Bill

Ohio Valley Coal & Coke Co

Filed April 21, 1908.
H. C. P. Ewing,
Clerk.

1908 2nd May Rules.
Bill filed, Spa
executed & D.R.
" 1st June Rules
D.R. confd & cause
set for hearing.

Black Mountain Coal & Coke Company

vs. Affidavit for an attachment.

Darby Coal & Coke Company.

State of Virginia, County of Lee, to-wit;

This day, and on a bill in equity filed in the Clerk's Office of our Circuit Court of Lee County, against The Darby Coal & Coke Company, an Ohio corporation, for the purpose of having an attachment to secure and enforce a claim against the said Darby Coal & Coke Company to a debt, E. W. Pennington, attorney for the Black Mountain Coal & Coke Company, plaintiff, in said bill, personally appeared before me, H. C. T. Ewing, Clerk of our said Court, in the Clerk's Office thereof, in the State and County aforesaid, and made oath that the plaintiff's said claim is believed to be just, and is now due and payable: that the affiant believes that the complainant is entitled to and ought to recover, at least the sum of sixty thousand five dollars ($65,000,00) with interest thereon from August, 1st, 1907, till paid; and to the best of the affiant's belief, the said defendant is a foreign corporation and has estate within the County of Lee.

E. W. Pennington

Attorney for the Black Mountain Coal and Coke Company.

Subscribed and sworn to before me, this 21st day of April, 1908. In testimony whereof, I have hereunto set my hand, the day, month and year aforesaid.

H. C. T. Ewing,

Clerk.

Black Mt. Coal & Coke Co

vs. } Affidavit

The Darby Coal & Coke Co

Filed with Bill of
plaintiff. 4/21/08
H. C. T. Ewing, Clerk.

Black Mountain Coal & Coke Company, ...Plaintiff.

Vs. In Chancdry.

The Darby Coal & Coke Company.....Defendant.

On the calling of this cause on the motion of the plaintiff, it is ordered that the same be stricken from the docket at the cost of the plaintiff, ~~except as to~~ no attorneys fee to be taxed

Black Mt. Coal & Coke Co

vs } Decree Final

The Darby Coal & Coke Co

Entered in C.O.B.
#8, page 411

Enter this
Dec-8-1908
H A W Gilley

E.W. PENNINGTON. ROBT. L. PENNINGTON.
Pennington Bros.
ATTORNEYS AT LAW,
JONESVILLE AND PENNINGTON GAP, VA.

Pennington Gap, Va., April, 29, 1908.

Mr. H. C. T. Ewing,

Jonesville, Va.,

Dear Sir:-

I herewith return to you the bill of Lis Pendens and copy of deed which you sent me a few days ago in the case of the Black Mountain Coal & Coke Company Vs. Darby Coal & Coke Company.

Yours truly,

E. W. Pennington.

PAUL DULANEY
ATTORNEY AT LAW
BRISTOL, VIRGINIA

October 23rd, 1908.

Mr. H. C. T. Ewing, Clerk,

Jonesville, Virginia.

Dear Sir:

Kindly send me as soon as is conveniently possible statement of all costs accrued in the suit of Black Mountain Coal and Coke Company v. Darby Coal and Coke Company, including entering order dismissing the case. This suit has been settled and it is my desire to have it stricken from the docket.

Yours very truly,

Paul Dulaney

pd

MEMORANDUM FOR LIS PENDENS.

IN THE CIRCUIT COURT FOR THE COUNTY OF LEE, STATE OF VIRGINIA:

BLACK MOUNTAIN COAL AND COKE COMPANY, COMPLAINANT

vs.

DARBY COAL AND COKE COMPANY, AN OHIO CORPORATION, DEFENDANT.

KNOW ALL MEN that the Black Mountain Coal and Coke Company, the complainant in the hereinafter styled cause, does give notice of lis pendens and attachment, by this memorandum: There is now pending in the Circuit Court of Lee County a certain cause, the title of which is the Black Mountain Coal and Coke Company vs. the Darby Coal and Coke Company, an Ohio corporation; the general object of the foregoing suit and the attachment sued out therein is to attach the estate of the Darby Coal and Coke Company in the following property, to-wit: First: A certain tract in the Pocket Country, in Lee County, Virginia, on the waters of Gin Creek, containing 98-1/2 acres, more or less, and being the same tract which was conveyed to the said Darby Coal and Coke Company by James W. Orr, Commissioner, and James A. Newman, by deed dated April 26th, 1904, and of record in the office of the Clerk of Lee County, Virginia, in Deed Book 41, page 497, being described as follows: Beginning at a beech in the hollow west of Gins Creek, on the McCreadie line, about six hundred feet from said creek; thence with said line S 74 30 W 540 feet to a chestnut on a ridge; N 30 W 90 feet to a chestnut and maple; N 85 W 295 feet to a chestnut oak; N 81 W 142 feet to a dead chestnut oak; N 68 W 223 feet to a chestnut; N 86 W 66 feet to a stake; N 67 W 136 feet to a stake; N 85 W 148 feet; S 69 W 147 feet to a sugar-tree; S 77 W 231 feet; S 38 ___ 225 feet to two chestnuts and an ash on a high point on a ridge; N 49 W 231 feet to a stake; N 41 W 160 feet to a hickory; N 4 W 43 feet to a sugar tree, corner to W. C. Parsons; with said Parson's line; N 56 E 138; N 45 E 124; N 26 E 90; N 41 E 66; N 50 E 231; N 43 E 132; N 55 E 180; N 65 E 99; N 47 E 304; N 86 E 195; N 69 E 66; N 31 E 182; N 69 E 99; S 60 E 149; S 74 E 99; N 73 E 198; N 63 E 191; N 74 (47) E 148; S 78 E 172;

N 59 E 258; S 71 E 129; S 34 E 580; S 10 E 299; S 17 E 363; S 6 W 197; S 30 E 290; N 84 E 110; S 14 E 1224 to a cucumber and ironwood on the east bank of Gin Creek; S 5 E 338 feet to a chestnut stump; S 7 W 752 feet to a spanish oak, corner to William Turner's 5 acre tract; N 88 W 412 feet to a stake in a bank on the original line; N 13 30 __ 2430 feet to the BEGINNING. /

SECOND: Another certain tract, containing 32--1/4 acres, more or less, lying in said County and state and in the Pocket Country, on the waters of Gin Creek, being the same tract which was conveyed to the party defendant by James E. Parsons and wife, by deed dated February 13th, 1904, and of record in the said Clerk's Office, in Deed Book 41, page 499, and described as follows, to-wit:

/ Beginning on the east side of Gin Creek, a corner of Newman Brother's tract; S 47 W 54 feet;; N 76 W 40 feet; N 25 W 139 feet; N 54 W ____ feet; N 4 W 114; N 3 E 102; N 27 W 110 N 2 E 208; N 51 E 137; N 14 W 135; N 23 E 176; N 12 E 330; N 33 E 59; N 49 E 265; N 39 E 225; N 80 E 121; S 31 E 1133; S 43 W 14; S 62 W 219; S 49 W 114; S 28 W 179; S 42 W 339; S 40 W 145; S 47 W 320 feet to the beginning. *

And also any personal property which the defendant may own in Lee County, Virginia.

And to subject the same to the payment of the claim against the defendant therein asserted, to-wit: A claim for sixty-five thousand ~~and eighty-four dollars~~ Dollars, with interest thereon from the 1st day of August, 1907, until paid, such claim being evidenced by the thirteen unpaid notes of the said defendant, representing deferred payment for certain real estate in Lee County, Virginia, which the complainant conveyed to the defendant; the name of the person whose estate is intended to be affected thereby is the Darby Coal and Coke Company, an Ohio corporation.

WITNESS the following signature this the 20th day of April, 1908.

Black Mountain Coal and Coke Company

By N. D. Bachman Jr.

Secretary, Treasurer & Gen. Manager

State of Virginia, City of Bristol, to-wit:

I, Mary B. Swanson, a Notary Public in and for the City and State aforesaid, certify that N. D. Bachman, Jr., whose name is signed to the foregoing instrument bearing date on the 20th day of April, 1908, as Secretary Treasurer of the Black Mountain Coal and Coke Company, has acknowledged

* This: that tract of land purchased by said Darby Coal & Coke Co. from Lee Parsons & wife by deed of even date herewith and also that tract of land conveyed by James E. Parsons & wife to said Darby Coal & Coke Co. by deed dated Feb. 13th 1904 and of record in the Clerk's Office of Lee County, Va. in Deed Book 41, page 499, and also all personal property which the said defendant may own in Lee County, Va. and subject the same to the payment of the claim asserted in the bill of complaint.

the same before me in my City aforesaid.

My term of office expires on the 28th day of June, 1911.

Given under my hand this the 20th day of April, 1908.

Mary B. Summers,
Notary Public.

Virginia, Lee County, to-wit:

In the Clerk's office of Lee County, on this the 21st day of April, 1908, the foregoing Lis Pendens was presented, and together with the certificate hereto annexed, admitted to record at 1 o'clock P. M.

Teste: W. C. T. Ewing, Clerk.

Filed April 21st, 1908
at 1 o'clock P.M.

Recorded in Deed
Book 47, Pg. 82 &
Examined Apr. 21, 1908
Indexed.

Clerk $1.25

This DEED, made this 8th day of February, 1904, by and between the BLACK MOUNTAIN COAL AND COKE COMPANY, a corporation organized and existing under the laws of the State of Virginia, party of the first part, and THE DARBY COAL AND COKE COMPANY, a corporation organized and existing under the laws of the State of Ohio, party of the second part,

WITNESSETH: That for and in consideration and pursuant to the terms of a contract dated July 21, 1903, entered into between the said Black Mountain Coal and Coke Company and the firm of Caldwell & Dulaney as parties of the first part and Henry D. Turney (assignor of Darby Coal and Coke Company of West Virginia) as party of the second part (which contract as to all the executory parts thereof not completely executed by the execution and delivery of this deed is hereby expressly ratified and continued in full force and effect as to the parties hereto), and particularly in consideration of the sum of Ninety Thousand and Eighty-Four Dollars ($90,084.00) paid and to be paid as hereinafter specified, the said party of the first part doth hereby grant, bargain, sell and convey unto the said party of the second part the following lands and interests in lands situate in what is known as the Pocket Country in Lee county, Virginia, to-wit:

First: All that certain tract or parcel of land known as the A. N. Pennington and Sion Parsons land, and bounded and described as follows: BEGINNING at the junction of the Benedict Branch and Straight Creek, thence up Benedict N 88 30 W 298 feet to a stake with chestnut pointers, N, 14 30 W 238 feet to a stake N 57 E 172 feet to a poplar on east Benedict Branch and on the McCredie line, thence leaving Benedict Branch and with the McCredie line N 62 W 360 feet to a chestnut on a ridge, thence leaving the McCredie line and along the top of a ridge N 4 E 203-1/2 feet to a stake N 20 40 W 604 feet to a stake, N 68 W 343 feet to a stake, N 67 30 W 90 feet to a stake, N 33 W 562 feet to a stake, N 14 45 W 192 feet to a stake, N 10 45 E 192-1/2 feet to a stake, N 8 30 E 512 feet to a stake, N 5 E 555 feet to a stake, N 10 15

E 202 feet to a stake, N 26 45 W 330-1/2 feet to a stake, N 590 feet to a stake, N 13 W 183 feet to a stake, N 7 E 303 feet to a stake with locust pointer and a corner to the Carmical tract, and with line of the same N 88 W 3640 feet to 4 hickories and a chestnut on the line of the W. C. Parsons tract and with lines of the same down a ridge S 5 30 W 92 feet to a red oak, S 3 E 214 feet to top cliff, S 42 30 E 346 feet, S 11 30 W 91 feet to a chestnut oak S 6 30 E 330 feet to a stake, S 26 E 216 feet to a chestnut oak, S 23 30 W 260 feet to a chestnut oak, S 10 30 W 132 feet to a stake, S 22 30 E 214 feet to a stake, S 33 30 E 272 feet to a stake, S 17 E 165 feet to a stake, S 9 W 346 feet to a stake, S 23 15 E 507 feet to a stake S 26 30 W 231 feet to a stake, S 4 E 295 feet to a stake, S 4 W 90 feet to a stake, S 10 30 E 22 feet to a stake, S 40 E 99 feet to a stake, S 22 30 E 165 feet to a stake, S 43 E 231 feet to a chestnut oak, N 28 30 E 363 feet to a stake, N 79 30 E 132 feet to a stake, S 76 30 E 198 feet to a stake, N 26 30 E 99 feet to a stake, N 64 30 E 132 feet to a stake, N 22 30 E 115 feet to a stake, N 22 30 E 99 feet to a stake, N 79 30 E 214 feet to a stake, S 86 30 E 157 feet to a stake, S 6 30 W 225 feet to a stake, S 74 30 W 317 feet to a stake, S 63 45 E 232 feet to a stake, S 87 30 E 183 feet to a stake, S 67 E 425 feet to a large dead chestnut, S 32 30 E 152 feet, S 65 30 E 342 feet to a small black oak and chestnut, S 56 30 E 256 feet to two blazed oak saplings, S 27 45 E 677 feet to a stake in Straight Creek, N 42 E 255 feet to a stake in Straight Creek, N 19 E 358 1/2 feet to a stake in Straight Creek, N 30 30 W 190 feet to a stake in Straight Creek near mouth of Millers Branch, N 53 30 E 764-1/2 feet to a stake in Straight Creek, S 82 30 E 132 feet to a stake in Straight Creek, N 42 45 E 198 feet to the BEGINNING, containing 303.0 acres.

SECOND. All that certain tract or parcel of land known as a part of the John P. Myers land bounded and described as follows: BEGINNING at a beech about 300 feet above the mouth of Gins on the bank of Straight Creek, then up Straight Creek N 69 45 E 627 feet

to a stake in Straight Creek, N 75 E 540 feet to a stake in Straight Creek, N 30 E 224 feet to a stake in Straight Creek N 45 E 672 feet to a stake in Straight Creek, N 22 E 205 feet to a sycamore and poplar, N 61 45 E 104 feet to a maple and lynn corner, leaving the creek N 11 30 W 1455 feet to a lynn and chestnut oak, a corner to the W. C. Parsons land, S 72 W 23 feet to a stake on a ridge, S 1 E 100 feet to a hickory and chestnut, S 52 W 665 feet to a chestnut and maple, S 84 W 1120 feet to a stake in the mouth of a hollow near Gins Creek, S 15 E 1150 feet to a stake, S 2 E 772 feet to a stake, S 9 W 660 feet to a stake in Gins Creek and down the Creek, S 13 E 502-1/2 feet to a stake in Gins Creek, S 10 30 W 514 feet to a stake in Gins Creek, S 35 30 E 255 feet to a stake in Gins creek S 22 E 226 feet to a stake in Gins Creek, S 6 30 E 571 feet to a stake in Gins Creek, S 34 E 265 feet to a stake in Gins Creek, S 21 15 E 224 feet to a stake in Gins Creek, N 62 30 E 407 feet to a rock, S 14 15 E 251 feet to the beginning, containing 236.4 acres.

THIRD. All the coal in, under, and upon a certain tract or parcel of land known as a part of the W. C. Parsons land, bounded and described as follows, to-wit: BEGINNING at a sugar tree and hickory on top of Little Black Mountain and a corner to the Campbell tract, and with lines of the latter along top of a ridge leaving top of mountain S 5 30 E 185 feet to a stake S 10 30 W 112 feet to a stake, S 8 30 E 130 feet to a white oak, S 11 30 W 177 feet to a chestnut on a cliff, S 8 30 E 350 feet to a locust on rocks, E 4 30 W 195 feet to a red oak, passing a corner to the Parson's tract, S 2 E 214 feet ___ top of cliff, S 40 30 W 740 feet to a stake, S 11 30 W 91 feet to a chestnut oak, S 6 30 W 330 feet to a stake, S 30 E 216 feet to chestnut oak, S 27 30 W 200 feet to chestnut oak, S 10 30 W 132 feet to a stake, S 22 30 E 214 feet to a stake, S 32 30 E 272 feet to a stake, S 17 E 165 feet to a stake, S 8 W 542 feet to a stake, S 25 15 E 307 feet to a stake, S 22 30 W 231 feet to a stake, S 4 E 205 feet to a stake, S 4 W 90 feet to a stake, W 10 30 E 22 feet to a stake, S 40 E 90

feet to a stake, S [illegible] 30 E 105 feet to a stake, S 43 E [illegible] feet to a chestnut oak, N [illegible] 30 E [illegible] feet to a stake, N [illegible] 30 E [illegible] feet to a stake, S 78 30 E [illegible] feet to a stake, N [illegible] 30 E [illegible] feet to a stake, N 64 30 E 132 feet to a stake, N 82 30 E 115 feet to a stake, N 88 30 E 99 feet to a stake, N 79 30 E 214 feet to a stake, S 86 30 E 157 feet to a stake, S 0 30 W 825 feet to a stake, S 74 30 W 1853 feet, passing along lines of the H. Z. Parsons. Crider and John P. Myers tracts to a stake, then along lines of the John P. Myers tract, S 1 E 190 feet to a hickory and chestnut, S 52 W 863 feet to a chestnut and maple, S 84 W 1126 feet to a stake at the mouth of a hollow near Gins Creek, S 15 E 1152 feet to a stake, S 2 E 332 feet to a stake, S. 9 W 800 feet to a stake in Gins Creek, thence up the Creek North 635 feet to a stake in Gins Creek, N 23 E 202-1/2 feet to a stake in gins creek N 4 E 380 feet to a stake in Gins Creek, N 23 W 408 feet to a stake in gins Creek, N 8 30 W 530 feet to a stake in Gins Creek, N 30 30 W 402 feet to a stake in Gins creek, N 6 E 197 feet to a stake in Gins Creek, N 17 30 W 363 feet to a stake in Gins creek, N 10 W 299 feet to a stake in Gins Creek, N 34 30 W 580 feet to a stake in Gins Creek, N 71 W 157 feet to a stake in gins Creek, N 9 30 W 317 feet to a stake in Gins creek, N 76 W 354 feet to a stake in Gins Creek, N 2 W 325 feet to the forks of Gins Creek, N 3 E 102-1/2 feet to a stake N 27 W 110 feet, N 2 E 208 feet to a stake, N 51 30 E 137 feet to a stake, N 14 W 135 feet to a stake, N 23 E 176 feet to a stake, N 12 E 325 feet to a stake, N 47 30 W 113 feet to a stake, N 6 W 71 feet to a stake, N 18 30 E 185 feet to a stake, N 34 30 W 105 feet to a stake, N 50 W 112 feet to a stake, N 23 45 E 247 feet to a stake in Gins Creek, N 10 30 W 104 feet to a stake in Gins Creek, N 55 W 46 feet to a stake, N 12 E 110 feet to a stake N 54 W 66 feet to a stake, N 13 30 W 150 feet to a stake, N 59 30 E 88 feet to a stake, N 2 30 W 90 feet to a stake, N 24 E 109 feet to a stake, N 37 W 90 feet to a stake, N 4 30 E 120 feet to a stake, N 50 E 126 feet to a stake, N 20 E 190 feet to a stake, N 10 W 73 feet to a stake, N

19 E 209 feet to a stake, N 2 30 E 130 feet to a stake, N 39 E 76 feet to a stake, N 8 E 157 feet to a stake, N 30 W 148 feet to a stake, N 14 45 W 198 feet to a stake, N 6 E 262 feet to a stake, N 13 30 W 242 feet to a stake, N 42 E 217 feet to a stake, North 513 feet to a stake, North 22 W 396 feet to a stake, N 7 30 E 190 feet to a stake, sugar tree and ash pointers, top of little Black Mountain, and on the Virginia and Kentucky State line, and along top of mountain and with State line S 78 E 320 feet to a stake, S 48 E 195 feet to a stake, S 80 30 E 179 feet to a stake, S 89 30 E 212 feet to a stake, S 75 E 70 feet to a stake, S 87 E 139 feet to a stake, S 72 30 E 187 feet to a stake, N 87 30 E 504 feet to a stake, S 82 30 E 280 feet to a chestnut, S 72 30 E 288 feet to the BEGINNING, containing 489.2 acres.

FOURTH. All the coal and other minerals, and oil, in, under and upon a certain tract or parcel of land known as the Parsons and Crider lands, bounded and described as follows: BEGINNING at a lynn and chestnut oak, corner to the John P. Myers tract, and with a line of the same S 11 30 E 1800 feet to a stake on a ridge, then leaving the Myers line and along the top of the ridge S 32 45 E 240 feet to two black oaks, S 11 45 E 185 feet to a blazed chestnut, S 40 15 _ 296 feet to a round rock, with maple and locust pointers, S 24 E 495 feet to a chestnut oak, S 22 E 290 feet to a blazed maple, S 41 45 E 221 feet to a blazed maple and sourwood S 28 E 480 feet to a stake, S 36 15 E 420 feet to bank of Straight Creek, N 72 30 E 35 feet to a stake in Straight Creek, N 26 E 298 feet to a stake in Straight Creek, N 59 30 E 130 feet to a stake in Straight Creek, N 43 30 E 1416 feet to a stake in straight creek, N 6 W 520 feet to a stake in Straight Creek N 21 E 1160 feet to a stake in Straight Creek, N 9 30 W 155 feet to a stake by a sycamore, N 27 45 W 677 feet to blazed oak saplings, N 56 30 W 256 feet to a blazed oak and chestnut, N 65 30 W 349 feet to a stake, N 38 30 W 158 feet to a large dead chestnut, N 67 W 425 feet to a stake, N 87 30 W 183 feet to a stake, N 63 45 W 232 feet to a point on top of ridge on W. C. Parsons line, S 74

30 W 1453 feet to the BEGINNING, containing 204.5 acres.

FIFTH. An undivided half interest in and to all the coal minerals, metals, oils and gases in, under and upon a certain tract or parcel of land known as the M. J. Carmical land, bounded and described as follows, to-wit: BEGINNING at a rock on top of Little Black Mountain, a corner to the Hyatt, Pennington and Carmical entry, then along the top of the mountain, and with the Virginia and Kentucky State line, N 31 30 W 155 feet to a stake, N 46 W 202 feet to a stake, N 40 15 W 177 feet to a stake, N 57 30 W 366 feet to a stake, N 37 W 97 feet to a stake, N 11 45 W 146 feet to a stake, N 33 35 W 271 feet to a stake, N 11 30 W 148 feet to a stake, N 23 30 W 155 feet to a stake, N 21 30 W 186-1/2 feet to a stake, N 7 30 E 167 feet to a black oak, N 3 30 W 121 feet to a stake, N 30 W 209 feet to a stake, N 24 W 119 feet to a large white oak on a point, N 86 W 110 feet to a stake, S 83 30 W 140 feet to a stake, N 77 30 W 317 feet to a forked black oak, S 83 W 161 feet to a flat rock, N 89 W 151 feet to a knotty maple, N 87 W 186 feet to a stake, S 77 30 W 147 feet to a chestnut oak and two chestnuts, S 69 W 131 feet to a hickory, S 60 W 332 to a large chestnut, hickory and oak, S 73 30 W 332 feet to a stake, S 83 30 W 125 feet to a chestnut, S 82 W 548 feet to a locust, S 73 30 W 210 feet to a stake, N 60 W 53 feet to a white oak on a high point, N 34 30 W 328 feet to a large oak and hickory, N 73 45 W 314 feet to a stake, N 87 30 W 535 feet to a stake, S 77 W 151 feet to a stake, N 87 W 356 feet to a large water oak, S 63 W 464 feet to a large white oak, S 41 W 453 feet to a sugar tree and hickory, S 48 15 W 560 feet to two chestnut oaks, S 78 30 W 155 feet to a chestnut, S 66 30 W 410 feet to a small birch by a rock, S 83 45 W 342 feet to a sugar tree and hickory on a high point and a corner to the W. C. Parsons tract, thence with the W. C. Parsons lines leaving the State line and top of the mountain and down a ridge S 5 30 E 165 feet to a stake, S 10 30 W 412 feet to a stake S 0 30 135 feet to a white oak, S 11 30 W 173 feet to a chestnut, S 9 30 E 330 feet to a locust on rocks, S 4 30 W 100 feet to four hickories and a chestnut and a corner to

the Parsons 412 acre tract, and with line of same S 88 E 3640 feet to a stake on the dividing ridge between Millers Cove Branch and Benedict Branch, and a corner to the Carters Heirs' land, thence with line of the latter, S 88 15 E 3780 feet to two locusts on the divide between Benedict Branch and Straight Creek, and corner to the Hyatt, Pennington, Carmical tract and with lines of same up the ridge N 6 E 533 feet to a chestnut, N 27 E 279 feet to the BEGINNING, containing 376.6 acres.

This is a sale by the acre, and the acreage intended to be hereby conveyed aggregates 1501.4 acres.

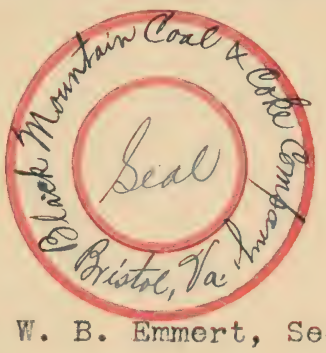
And the said party of the first part, for the considerations aforesaid, doth also grant and convey unto the said party of the second part, as to the said tracts of land above described and referred to as the W. C. Parsons, Parsons and Crider, and an undivided half interest in the Mary J. Carmical lands, the right to enter upon said lands and excavate, mine, prepare for market and remove said coal and other things above granted, and the right to construct and operate all such wagon roads, railroads and tramways as may be necessary for the successful mining and operation of ~~sd~~ said coal and other things above granted, together with the privilege of using such timber off of said lands as is necessary for the construction of said roads and ways as the said party of the second part, its successors and assigns, may need to build for the purposes here indicated, and together with all other usual mining privileges. This conveyance is made subject to the following reservations contained in a deed from George T. Crider and wife to F. A. Stratton, dated the 17th day of March, 1887, and recorded in the Clerk's Office of the County Court of Lee County, in Deed Book 22, page 136, to-wit: A reservation to the said George Crider of the lot around his house to the amount of five (5) acres, as to which the surface is not to be injured by mining, and also the surface of the little bottom on the east side of Straight Creek, as to which no injury is to be done by mining; also the right to the said Crider to dig and use coal for domestic purpos-

es on the premises. This conveyance is also made subject to the following reservations in a deed from Henry Z. Parsons and wife to F. A. Stratton, dated March 17, 1887, recorded in the office aforesaid in Deed Book 22, page 119, to-wit: That the surface of five (5) acres around the house of the said Parsons is not to injured by mining, and that the said Henry Z. Parsons and wife have the right to dig and use coal for domestic purposes on the premises. This deed is also made subject to the reservation of the right to W. C., E. G., and and James Parsons to dig and use coal for domestic purposes upon the premises of the above described land referred to as the W. C. Parsons land, said reservation being contained in a deed from W. C. Parsons and others to F. A. Stratton, dated the 18th day of March, 1887, and recorded in the office aforesaid in Deed Book 22, page 112. The aforesaid sum of $90,084.00 is paid and to be paid as follows, to-wit: The sum of $5,000.00 has been paid in cash, and the receipt thereof is hereby acknowledged. The residue is to be paid in the following instalments: $5,000.00 on or before August 1st, 1905; $5,000.00 on or before February 1st, 1906; $5,000.00 on or before August 1st, 1906; $5,000.00 on or before February 1st, 1907; $5,000.00 on or before August 1st, 1907; $5,000.00 on or before February 1st, 1908; $5,000.00 on or before August 1st, 1908; $5,000.00 on or before February 1st, 1909; $5,000.00 on or before August 1st, 1909; $5,000.00 on or before February 1st, 1910; $5,000.00 on or before August 1st, 1910; $5,000.00 on or before February 1st, 1911; $5,000.00 on or before August 1st, 1911; $5,000.00 on or before February 1st, 1912; $5,000.00 on or before August 1st, 1912; $5,000.00 on or before February 1st, 1913; and $5,084.00 to be paid on or before August 1st, 1913. All of said installments bear interest at the rate of five per centum per annum, payable semi-annually on the first days of February and August from and after the 21st day of July, 1903, until paid (the first interest payments, however, to fall due February 1st 1904,), and are evidenced by seventeen notes executed by the party of the second part

to the party of the first part, and are secured by a vendor's lien which is expressly retained upon premises hereby conveyed. If default shall be made in the payment of any one of said semi-annual instalments with interest, and if such default shall continue for more than sixty (60) days after maturity, then and in that event, the entire balance of purchase money remaining unpaid at the time of such default, with interest thereon to that time, shall forthwith become due and payable. The party of the second part is hereby given the right to anticipate the payment of said unpaid instalments of purchase money, and to pay off and discharge any or all of the same at any time prior to their maturity, with interest to date of such payment, and shall thereupon be entitled to a cancellation and return of the note or notes representing the same, and to a release of said vendor's lien as to said note or notes. Said notes shall be without priority of lien as among each other. And it is further understood and agreed that the maturity for the payment of said semi-annual instalments of purchase money may be accelerated, if the same shall mature for payment more rapidly than in the manner above set forth upon a basis of ten cents per ton for each and every ton of two thousand pounds of coal mined by the party of the second part from the premises hereby conveyed, as provided in the contract of July 21st, 1903, hereinbefore recited. There is hereby expressly reserved to the party of the first part, its successors or assigns, through all of the premises above described, a railroad right of way one hundred (100) feet wide whereever practicable, and in no case less than forty (40) feet wide, the exact location to be hereafter determined by the party of the first part; and when such location shall be finally and definitely designated, the party of the second part will execute at the request of the party of the first part, its successors or assigns, a quitclaim deed covering said right of way. It is hereby expressly understood and agreed that the execution and delivery of this deed shall not annul or take the place of the contract hereinbefore recited, under

date of July 21st, 1903, between the Black Mountain Coal and Coke Company and Caldwell & Dulaney of the one part and Henry D. Turney of the other part, except in so far as this deed is a specific execution of any part of said contract. And the said party of the first part hereby covenants with the said party of the second part that it has good right and lawful power to make this conveyance; that the premises hereby conveyed are free from all incumbrances; and that it will warrant generally the title thereto.

In testimony whereof the said Black Mountain Coal and Coke Company has caused its corporate name to be signed hereto by its President, with its corporate seal affixed attested by its Secretary.



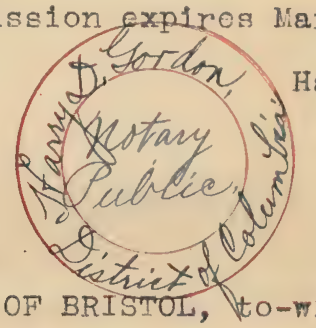
BLACK MOUNTAIN COAL AND COKE COMPANY, by
B. L. Dulaney, President.

Attest; W. B. Emmert, Secretary.

DISTRICT OF COLUMBIA, CITY OF WASHINGTON, TO-WIT:

I, Harry D. Gordon, a Notary Public for the District aforesaid, residing in the City of Washington, do certify that B. L. Dulaney, whose name is signed as President of the Black Mountain Coal and Coke Company to the writing above, bearing date on the 8th day of February 1904, has this day acknowledged the same befor me in My District aforesaid.

Given under my hand and notarial seal this 2nd day of May 1904. My commission expires March 13th 1906.



Harry D. Gordon Notary Public D.C.

VIRGINIA, CITY OF BRISTOL, to-wit:

I, Mary B. Summers, a Notary Public in and for the City of Bristol in the State aforesaid, do certify that W. B. Emmert, whose name is signed as Secretary of the Black Mountain Coal and Coke Company to the writing above, bearing date on the 8th day of

February, 1904, has this day acknowledged the same before me in my City and State aforesaid.

Given under my hand this 5th day of May, 1904. My commission expires: July 3, 1907.

Mary B. Summers, Notary Public.

Virginia, Lee County, to-wit:

In the office of the Clerk on this the 4th day of June, 1904. This deed was presented, and together with the certificates of acknowledgment thereto annexed, admitted to record.

Teste: H. C. T. Ewing Clerk.

A copy,

Teste: H C T Ewing, Clerk.

(D. B. No. 41, page 491 &c.)

//

The Darby Coal & Coke Co.

From } Deed

Black Mt. Coal & Coke Co.

Copy

Clerk $4.00

BLACK MOUNTAIN COAL AND COKE COMPANY, a Virginia corporation, COMPLAINANT,

VS. } RETURN OF OFFICER ON ATTACHMENT LEVIED.

DARBY COAL AND COKE COMPANY, an Ohio corporation, DEFENDANT.

Executed the within and annexed attachment on the 25th day of April, 1908, at 12 o'clock Noon. on that day, within the County of Lee, State of Virginia, by levying on the following real estate of the defendant, Darby Coal and Coke Company, to-wit:

FIRST: A certain tract in the Pocket Country, in Lee County, Virginia, on the waters of Gin Creek, containing 98-1/2 acres, more or less, and being the same tract which was conveyed to the said Darby Coal and Coke Company by James W. Orr, Commissioner, and James A. Newman, by deed dated April 26, 1904, and of record in the office of the Clerk of Lee County, Virginia, in Deed Book 41, page 497, being described as follows:

BEGINNING at a beech in the hollow west of Gin Creek, on the McCreadie line, about six hundred feet from said creek; thence with said line S 74 30 W 540 feet to a chestnut on a ridge; N 30 W 90 feet to a chestnut and maple; N 85 W 295 feet to a chestnut oak; N 81 W 142 feet to a dead chestnut oak; N 68 W 223 feet to a chestnut; N 86 W 66 feet to a stake; N 67 W 136 feet to a stake; N 85 W 148 feet; S 69 W 147 feet to a sugar tree; S 77 W 231 feet; S 38 ___ 225 feet to two chestnuts and an ash on a high point on a ridge; N 49 W 231 feet to a stake; N 41 W 160 feet to a hickory; N 4 W 43 feet to a sugar tree, corner to W. C. Parsons; with said Parsons' line, N 56 E 138, N 45 E 124, N 26 E 90, N 41 E 66, N 50 E 231, N 43 E 132, N 55 E 180, N 65 E 99, N 47 E 304, N 86 E 195, N 69 E 66, N 31 E 182, N 69 E 99, S 60 E 149, S 74 E 99, N 73 E 198, N 63 E 191, N 74 (47) E 148, S 78 E 172, N 59 E 258, S 71 E 129, S 34 E 580, S 10 E 299, S 17 E 363, S 6 W 197, S 30 E 290, N 84 E 110, S 14 E 1224 to a cucumber and ironwood on the east bank of Gin Creek; S 5 E 338 feet to a chestnut stump; S 7 W 752 feet to a Spanish oak, corner to William Turner's 5 acre tract; N 88 W 412 feet to a stake in a bank on the original line; N 13 30 ___ 2430 feet to the BEGINNING.

SECOND: Another certain tract, containing 32-1/4 acres, more or less, lying in said County and State and in the Pocket Country, on the waters of Gin Creek, being the same tract which was conveyed to the party defendant by James E. Parsons and wife, by deed dated February 13, 1904, and of record in the said Clerk's Office, in Deed Book 41, page 499, and described as follows, to-wit:

BEGINNING on the east side of Gin Creek, a corner of Newman Brothers' tract; S 47 W 54 feet; N 76 W 40 feet; N 25 W 139 feet; N 54 W _____ feet; N 4 W 114, N 3 E 102, N 27 W 110, N 2 E 208, N 51 E 137, N 14 W 135, N 23 E 176, N 12 E 330, N 33 30 E 59 feet to a stake, N 49 30 E 265 feet to a stake,

N 39 E 225 feet to a stake, N 80 45 E 121 feet to a black walnut on the south bank of said hollow; thence S 31 10 E 1133 feet to a stake on a ridge in Newman Brothers' line; thence down said ridge with Newmans' line S 43 30 W 14 feet to a locust, S 62 W 219 feet to a chestnut oak, S 49 W 114 ____ to a chestnut oak, S 28 30 W 179 ____ to a red oak (cut down), S 42 15 W 338 feet to a maple, S 40 W 145 feet to a large chestnut, S 47 45 W 320 feet to the BEGINNING; containing 32-1/4 acres.

THIRD: A certain other tract or parcel of land lying and being in Lee County, Virginia, in the Pocket Country, on the waters of Gin Creek, and being the same land purchased by the said defendant, the Darby Coal and Coke Company, from Charles C. Newman, John W. Newman and James J. Newman, and described and bounded as follows, to-wit:

BEGINNING at a stake in Gin Creek on a line of W. C. Parson's opposite a large birch northwest of Newman's old house; N 59 30 E 128 feet to a stake near the foot of the hill; N 26 45 W 260 feet to the point of a cliff; thence along said cliff N 36 30 W 66 feet to a stake; N 62 30 W 73 feet to a stake below said cliff on James Parsons' line; with said line N 47 45 E 320 feet to a large chestnut on a spur of a ridge; thence with top of said ridge N 40 E 145 feet to a maple; N 42 15 E 338 feet to a red oak (cut down); N 28 30 E 178 feet to a chestnut oak; N 49 E 114 feet to a chestnut oak; N 62 E 219 feet to a locust; N 43 30 E 198 feet to a stake; N 31 E 400 feet to a rock; N 32 E 198 feet to a stake; N 26 30 E 330 feet to a stake on the west side of a large rock; N 42 E 165 feet to a stake; N 54 E 181 feet to a stake at the edge of a rock; N 38 30 E 99 feet to a white oak; N 19 30 E 332 feet to a large chestnut oak on a ridge; thence with the top of said ridge N 55 E 167 feet to west end of a cliff; N 64 E 310 feet to a stake on top of a large ridge in a line of the M. Z. Parsons 412 acre tract; thence down the top of said ridge and with said Parsons line S 21 30 E 214 feet to a stake, S 34 E 264 feet to a stake, S 17-1/2 E 195 feet to a stake, S 10 15 W 350 feet to a stake, S 24 45 E 497 feet to a chestnut oak; S 28 W 231 feet to a stake, S 3 30 E 297 feet to a stake, S 3 30 W 99 feet to a stake, S 10 E 86 feet to a stake on a point, S 49 E 99 feet to a rock by a large white oak, S 29 E 165 feet to a stake below a large chestnut oak, S 43 30 E 225 feet to two chestnut oaks, a corner to M. Z. Parsons, and down the top of a ridge with a line of the same S 7 W 180 feet to a chestnut oak, S 5 30 E 173 feet to a chestnut oak on a point, S 34 45 W 225 feet to a stake, S 29 30 W 179 feet to a chestnut oak, S 1 W 207 feet to a chestnut oak, S 10 30 W 375 feet to a chestnut oak, corner to the John P. Myers tract, and with lines of the same S 1 E 190 feet to a chestnut oak and hickory, S 52 W 863 feet to a chestnut and a maple; S 84 W 1126 feet to a stake at the mouth of a hollow on the E side of Gin Creek; thence continuing on the same S 84 W 59 feet to a stake in Gin Creek; thence up said creek as it meanders N 30 30 W 290 feet to a stake, N 10 W 299 feet to a stake, N 34 30 W 580 feet to a stake opposite the C. Newman house; N 71 W 129 feet to the BEGINNING; containing 183-1/2 acres, more or less;

And by delivering a true copy of the within and annexed

attachment in writing to R. H. Bartlit (Secretary, Treasurer and Agent of the said defendant, Darby Coal and Coke Company), who is in possession of the said real estate.

Given under my hand this 25th day of April, 1908.

E S Stapleton,

Deputy Sheriff for W. Y. Tucker,

Sheriff of Lee County.

Executed on the 25th day of April, 1908, by delivering a true copy of the within summons, in writing, to R. H. Bartlit, in person, who is Secretary, Treasurer and an agent of the within mentioned defendant foreign corporation, Darby Coal and Coke Company, against which this case is, in the County of Lee, State of Virginia, in which County the said R. H. Bartlit's place of business is.

E. S. Stapleton

Deputy Sheriff for

W. G. Tucker

Sheriff of Lee County.

BLACK MOUNTAIN COAL & COKE COMPANY, INCORPORATED., COMPLAINANT

vs.

DARBY COAL & COKE COMPANY, DEFENDANT.

The Within and the annexed attachment further executed by me on April, 23, 1908, at 12 o'clock noon, within the Couty of Lee, and State of Virginia, by levying on the following personal property of the said defendant, Darby COAL & COKE COMPANY, to-wit:

One air compresser No. 8281;

One large steam boiler and engine and their fixtures;

Two large mining fans and fixtures;

One set of Black Smith tools, consisting of hammers, tongs, screw vices, bellows etc.;

One large triple drum;

About 500feet of wire cable rope;

One black horse mule named Rock;

One brown horse mule named Noah;

One black horse mule named Little Bill;

One brown horse mule named "Jim"

One ~~black~~ bay horse mule named Bill;

One black mule named Frank;

One light ~~black~~ bay mare mule named Cally;

One ~~black~~ bay mare mule named Bird;

One sorrel mule named Daisy;

One ~~black~~ dark brown mare mule named Beck;

One light bay mule named Dollie:

Eleven sets of mining harness, and ninty-eight mining cars.

I left the forgoing property levied on by me as above in the hands and possession of the said defendant Company; but notified those in charge of the said Company's business not to dispose of or carry away said property or any of it until the Court had made some order in said case.

Given under my hand this the 24th day of April, 1908.

E. S. Stapleton D. P.

for W. Y. Tucker, S. L. C.

BLACK MOUNTAIN COAL & COKE Co.,Inc. Complainant.

Vs.

THE DARBY COAL & COKE COmpany. Defendant.

Return of Sheriff On The Attachment Issued.

EXECUTED in part the within and annexed attachment,on the 22nd day of April,1908,at 8 O'clock A M.of that day,within the County of Lee and State of Virginia,by levying on the following real estate of the said defendant,THE DARBY COAL & COKE COMPANY,to-wit:

FIRST. A certain tract or parcel of land,lying and being in Lee County,In the Pocket Country on the waters of ~~xhexNorth~~ Gin Creek,and being the same land conveyed to the said defendant by James E.Parsons and wife by a deed dated the 13th day of February,1904,and which deed is of record in the Clerk's office for Lee County,Virginia,in Deed Book No.41,page 499,and to which deed and place of recordation reference is here made for a more particular description of the same,and which land is described and bounded as follows:

Beginning on the east side of Gin Creek, a corner of Newman Brother's tract; S. 47 W 54 feet; N 76 W 40 feet; N 25 W 139 feet; N 54 W_____feet; N 4 W 114; N 3 E 102; N 27 W 110; N 2 E 108; N51 E 137; N 23 E ~~NW~~ 176; N 12 E 330; N 33 E 59; N 49 E 265; N 39 E 225; N 80 E 121; S 31 E 1133; S 43 W 14; S 62 W 219; S 49 W 114; S 28 W 179; S 42 W 339; S 40 W 145; S 47 W 320 feet to the beginning , and containing 32 1/4 acres, more or less.

Second;- A certain other tract or parcel of land lying and being in Lee County, Virginia, in the Pocket Country on the waters of Gin Creek, containing 98 1/2 acres , more or less, and being the same tract of land which was conveyed to the said The Darby Coal & Coke Company, by James W. Orr, Commissioner, and James A. Newman, by deed dated the 26th day of April, 1904, and which deed is of record in the Clerk's Office for Lee County, Virginia, in deed book Np. 41, page 497, and to which deed and place of recordation reference is here made for a more particular description of the same,

and which land is described and bounded as follows, to-wit:

Beginning at a beech in the hollow west of Gins Creek, on the McCradie line, about six hundred feet from said creek; thence with said line S 74 W 540 feet to a chesnut on a ridge; N 30 W 90 feet to a chesnut and maple; N 85 W 295 feet to a chesnut oak; N 81 W 142 to a dead chesnut oak; N 68 W 223 feet to a chesnut; N 86 W 66 feetto a stake; N 67 W 136 feet to a stake; N 85 W 148 feet; S 69 W 147 feet to a sugar tree; S 77 W 231 feet; S 38 ____225 feet to a chesnut and ash on a high point on a ridge; N 49 W 231 feet to a stake; N 41 W 160 feet to a hickory; N 4 W 43 feet to a suger tree, corner to W. C. Parsons; with said Parson's line; N 56 E 138; N 45 E 124; N 26 E 90; N 41 E 66; N 50 E ~~125~~ 231; N 43 E 132; N 55 E 180; N 65 E 99; N 47 E 304; N 86 E 195; N 69 E 66; N 31 E 182; N 69 E 99; S 60 E 149; S 74 E 99; N 73 E 198; N 63 E 191; N 74 (47) E 148; S 78 E 172; N 59 E 258; S 71 E 129; S 34 E 580; S 10 E 299; S 17 E 363; S 6 W 197; S 30 E 290; N 84 E 110; S 14 E 1224; to a cucumber and ironwood on the east bank of Gin Creek; S 5 E 338 feet to a chesnut stump; S 7 W 752 feet to a spanish oak, corner to William Tucker's 5 acre tract; N 88 W 412 feet to a stake in the bank on the orignal line; N 13° 30' ____2430 feet to the beginning.

Third:- A certain other tract or parcel of land lying and being in Lee County, Virginia, in the Pocket Country, on the waters of Gin Creek, and being the same land purchased by the said defendant, The Darby Coal & Coke Company, from Charles C Newman, John W. Newman, and James J. Newman, and described and bounded as follows, to-wit;-

Beginning at a stake in Gin's Creek on a line of W. C. Parson's opposite a large birch northwest of Newman's old house. N 59°30' E 128 feet to a stake near the foot of the hill, N 26° 45' W 260 feet to the point of a cliff; thence

along said cliff N.36°30' W 66feet to a stake; N 62°30' W 73 feet to a stake below said cliff on James Parsons' line with said line; N. 47°45' E. 320 feet to a large chesnut on a spur of a ridge; thence with top of said ridge N. 40° E. 145 feet to a maple; N. 42°15' E. 338 feet to a red oak(cut down) N. 28°30' E. 178 feet to a chesnut oak; N. 49° E. 114 feet to a chesnut oak. N. 62° E 219 feet to a locust; N. 43°30' E. 198 feet to a ~~xxxx~~.stake. N. 31° E. 400 feet to a rock. N. 32°E. 198 feet to a stake. N. 26°30' E. 330 feet to a stake on the west side of a large rock; N. 42° E. 165 feet to a stake; N. 54° E. 181 feet to a stake at the edge of a rock; N. 38°30' E. 99 feet to a white oak. N. 19°30' E. 332 feet to a large chesnut oak on a ridge; thence with the top of said ridge N. 55° E. ~~167~~ 167 feet to west end of a cliff; N. 64° E. 310 feet to a stake on top of a large ridge in a line of the ~~W.~~ Z. Parson's 412 acre tract; thence down the top of said ridge and with said Parson's line; S. 21°30' E. 214 feet to a stake. S. 34° E. 264 feet to a stake. S. 17 1/2° E. ~~214~~ 195 feet to a stake. S. 10°15' W. 350 feet to a stake. S. ~~xxxx~~ 24°45' E. ~~487~~ 487 feet to a chesnut oak. S. 28° W. 231 feet to a stake. S. 3°30' E. 297 feet to a stake. S. 3°30' W. 99 feet to a stake. S. 10° E. 86 feet to a stake on a point. S. 49° E. 99 feet to a rock by a large white oak. S. 29° E.165 feet to a stake below a large chesnut oak. S. 43°30' E. 225 feet to two chesnut oaks, a corner to ~~W.~~ Z. Parsons' and down the top of a ridge with a line of the same. S. 7° W. 180 feet to a chesnut oak. S. 5°30' E. 173 feet to a chesnut oak on a point. S. 34°45' W. 225 feet to a stake. S. 29°30' W. ~~279~~ 279 feet to a chesnut oak. S. 1° W. 207 feet to a chesnut oak. S 10°30' W. 375 feet to a cheshut oak, corner to the John P. Myers' tract wnd with lines of the same S. 1° E 190 feet to a chesnut oak and hickory. S. 52° W. 863 feet to a chesnut and a maple. S. 84° W. 1126 feet to a stake at the mouth of a Hollow on the E. side of Gin's Creek; thence continuing on the same S. 84° W. 59 feet to a stake in Gin's Creek;

thence up said Creek as it meanders. N. 30°30' W. 290 feet to a stake. N. 6° E 197 feet to a stake. N. 170 W. 363 feet to a stake. N. 10° W. 299 feet to a stake. N. 34°30' W. 580 feet to a stake opposite the C. Newman house. N. 71° W. 129 feet to the beginning, and containing One hundred and eighty three and one-half acres(183 1/2 a), more or less. And on April 25. 1908, further executed the within attachment by delivering a true copy of the same to R. H. Bartlett, in person, and who is in possession of said real estate

Given under my hand this the ~~21~~ 22 st day of April, 1908.

E S Stafford D.S.

for W. Y. Tucker

S. L. Co.

COMMONWEALTH of Virginia,

To the Sheriff of Lee County,- Greeting:

We command you that you summons THE DARBY COAL AND COKE COMPANY, a corporation ~~organized~~ chartered and existing under the laws of the State of OHIO to appear at the Clerk's office of the Circuit court of the County of Lee, at Rules to be held for the said Court, on the ~~Second~~ Third Monday in May, 1908, to answer a bill in Chancery exhibited against it in our said court by the BLACK MOUNTAIN COAL & COKE COMPANY, Incorporated, a corporation organized and existing under the laws of the State of Virginia, and that you on the first day of said rules have then and there this writ, and make return how you have executed the same.

WITNESS, H.C.T.EWING, clerk of the said Court, at the Court-house thereof, in the county of Lee and State of Virginia, this the 21st day of April, 1908, and in the 132nd year of the Commonwealth.

H. C. T. Ewing, Clerk.

A Copy Teste:-

_____ Clerk.

==========

INDORSED ORDER OF ATTACHMENT.

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COMMONWEALTH of VIRGINIA,

To the Sheriff of Lee County,-Greeting:

WHEREAS, the BLACK MOUNTAIN COAL & COKE COMPANY, INCORPORATED, has this day filed in the Clerk's office of our said Circuit Court of the County of Lee, a bill in equity against THE DARBY ~~COAL~~ & COKE COMPANY, a corporation or-ganized and existing under the laws of the State of ~~Virginia~~ OHIO, for the purpose of having an attachment to secure and enforce its claim against said Darby Coal & Coke Company for a debt; and

WHEREAS, E.W.PENNINGTON, agent and attorney for the said BLACK MOUNTAIN COAL AND COKE COMPANY, INCORPORATED, plaintiff in the said

bill has,before me in my said county and office,in the county of Lee and State of Virginia,made affidavit that the said Plaintiff's said claim is believed to be just,and is now due and payable;that the said affiant believes that said plainitff is entitled to and ought to recover,at the least,the sum of ($65,000.00) SIXTY-FIVE THOUSAND DOLLARS,with interest thereof from the 1st day of August,1907;and that to the best of said affiant's belief the said defendant is a foreign corporation;that is a corporation chartered,organized and existing under the laws of the State of Ohio,and has estate,both real and personal within the county of Lee; and

WHEREAS,upon such affidavit,the plaintiff doth now require me, the said Clerk of said Court,to indorse on the summons in this case an order to the officer to whom it is directed to attach the ~~xxxxx~~ estate,both real and personal of the said defendant,against whom said claim is:

THEREFOre we order and command you that you attach the estate both real and personal,of the said The Darby Coal & Coke Company, a corporation,for the amount of the said claim and debt of the said Black Mountain Coal & Coke Company,Incorporated,and such estate so attached in your hands to secure that the same may be forthcoming and liable to further proceedings thereupon,to be had at the rules to be held in the Clerk's office of our said Court on the Third Monday in May,1908,and that you on the first day of the said rules have then and there this writ,and make return how you have executed the same.

WITNESS,H.C.T.Ewing,clerk of our said court,at the Court-house thereof,in the county and State aforesaid,this the 21st day of April,1908,and in the 132nd year of the Commonwealth.

H. C. T. Ewing, Clerk.

A Copy Teste:

_____ Clerk.

Executed further on the 25th day of April, 1908, by delivering a true copy of the within summons, and a true copy of the within endorsed order of attachment on said summons, and both in writing to R. H. Bartlit, who is the Secretary and Treasurer and agent of the within mentioned defendant foreign corporation against which this case is, in the County of Lee, and in which County the said Bartlit resides and has his place of business, and who is in possession of the lands levyed upon by me on April, 22nd 1908.

E. S. Hafleton D. S. for

W. Y. Fischer S. Lee Co.

Black Mt. Coal & Coke Co

vs. Spa. In Chancery

Darby Coal & Coke Co

To 2nd May Rules, 1908

Pennington Bros. P. Q.

R. H. Bartlit

Black Mt. Coal & Coke Co.

vs.

The Darby Coal & Coke Co.

THE GLOBE CRUSHED ENVELOPE.
SIZE 10—2.